

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal No. 2:08cr5
(Maxwell)**

SAMANTHA JANE CHIDESTER,

Defendant.

ORDER

It will be recalled that on July 17, 2008, Samantha Jane Chidester, the Defendant in the above-styled criminal action, appeared before United States Magistrate Judge John S. Kaull and entered a plea of guilty to Count Three of the Indictment in the above-styled criminal action. It will further be recalled that, by Order/Opinion Regarding Plea of Guilty, entered July 21, 2008, Magistrate Judge Kaull accepted the Defendant's plea of guilty to the charge contained in Count Three of the Indictment herein and recommended that the Defendant be adjudged guilty on said charge and that she be sentenced accordingly.

After a careful examination of the Order/Opinion Regarding Plea Of Guilty entered by United States Magistrate Judge John S. Kaull on July 21, 2008, the Court **ADJUDGES** the Defendant **GUILTY** of the crime charged in Count Three of the Indictment in the above-styled criminal action and, Pursuant to Rule 11(c)(3)(A) of the Federal Rules of Criminal Procedure and Section 6B1.1(c) of the United States Sentencing Guidelines, **DEFERS** acceptance of the proposed plea agreement.

On October 7, 2008, the Court received from United States Probation Officer

William C. Bechtold, Jr., the completed Presentence Report And Addendum in the above-styled criminal action. Therefore, the Court believes that it is now appropriate to schedule a sentencing hearing herein. Accordingly, it is

ORDERED that a sentencing hearing shall be conducted in the above-styled criminal action on **February 5, 2009 at 10:00 a .m.** at the Federal Courthouse in Elkins, West Virginia. It is further

ORDERED that on or before **January 8, 2009**, counsel for each party may submit a sentencing memorandum directly to the Court. It is further

ORDERED that counsel for any party desiring to respond to any sentencing memorandum that has been submitted to the Court shall do so on or before **January 22, 2009**. It is further

ORDERED that the sentencing memorandums, and any responses thereto, shall be filed under seal with the Clerk of Court. It is further

ORDERED that copies of the sentencing memoranda and any responses thereto shall be served upon counsel for the opposing party and upon the United States Probation Officer assigned to the case.

The Clerk of Court is directed to transmit copies of this Order to counsel of record and to the United States Probation Office.

Enter: October 9th, 2008

/s/ Robert E. Maxwell
United States District Judge